

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAYVELL VANN,

Plaintiff,

vs.

No. CV 20-00361 KWR/KBM

MARGARET KATZE,

Defendant.

ORDER TO CURE DEFICIENCIES

THIS MATTER is before the Court on the pro se Civil Rights Complaint filed by Rayvell Vann. (Doc. 1). The Court determines that the pro se filing is deficient because it is not signed by Plaintiff or made under penalty of perjury (Doc. 1 at 6), and Plaintiff has not paid the \$400 filing fee or filed an Application to Proceed in the District Court Without Prepaying Fees and Costs.

Plaintiff's filing consists of a form civil rights complaint raising ineffective assistance of counsel claims against his former appellate public defender. Plaintiff's filing claims to assert prisoner civil rights claims under 28 U.S.C. § 1331. (Doc. 1 at 1). A civil rights complaint is the exclusive vehicle for vindication of substantive rights under the Constitution. See, *Baker v. McCollan*, 443 U.S. 137, 144 n. 3 (1979); *Albright v. Oliver*, 510 U.S. 266, 271 (1994). The filing is not in proper form because it is not signed as required by Fed. R. Civ. P. 11(a) or made under penalty of perjury (Doc. 1 at 6).. In addition, under 28 U.S.C. §§ 1914(a) and 1915(a), the Court is required to collect the federal filing fee from the Plaintiff or authorize Plaintiff to proceed

without prepayment of the fee. Plaintiff has not paid the \$400.00 filing fee or submitted an application to proceed under § 1915.

Plaintiff must cure the deficiencies if he wishes to pursue his claims. The deficiencies must be cured within thirty (30) days of entry of this Order. Plaintiff must include the civil action number, CV 20-00361 KWR/KBM on all papers he files in this proceeding. If Plaintiff fails to cure the deficiencies within thirty (30) days, the Court may dismiss this proceeding without further notice.

IS ORDERED that, within thirty (30) days of entry of this Order, Plaintiff Rayvell Vann cure the deficiencies by (1) paying the \$400 filing fee or submitting an Application to Proceed in the District Court Without Prepaying Fees and Costs (including the required 6-month inmate account statement) and (2) filing a prisoner civil rights complaint in proper form and signed as required by Rule 11.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to mail to Plaintiff, together with a copy of this order, (1) two copies of an Application to Proceed in the District Court without Prepaying Fees and Costs under 28 U.S.C. § 1915, with instructions, and (2) a form prisoner civil rights complaint with instructions.


UNITED STATES MAGISTRATE JUDGE